

Regular Session, 2013

HOUSE BILL NO. 217

BY REPRESENTATIVE ARNOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC/VIOLATIONS: Requires voter approval prior to the imposition of civil fines for traffic violations based on evidence captured by automated traffic enforcement systems

1 AN ACT

2 To enact R.S. 32:239, relative to traffic violations; to require voter approval prior to the
3 imposition of civil fines for violations based on evidence captured by automated
4 traffic enforcement systems; to provide relative to existing fines imposed based on
5 such evidence; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:239 is hereby enacted to read as follows:

8 §239. Traffic violations; civil fines; automated traffic enforcement systems

9 A. No governing authority of a local governmental subdivision may impose
10 a civil fine for a violation of any traffic law, ordinance, rule, or regulation if the sole
11 evidence of such a violation is that captured by an automated traffic enforcement
12 system unless the imposition of such fines based on such evidence has been
13 authorized by a majority of the voters of the local governmental subdivision voting
14 on a proposition authorizing such actions at an election held for this purpose in
15 accordance with the Louisiana Election Code.

16 B. Any governing authority of a local governmental subdivision that, prior
17 to the effective date of this Section, has provided for the imposition of civil fines for
18 violations of traffic laws, ordinances, rules, or regulations based on evidence
19 captured by automated traffic enforcement systems may continue to impose such
20 fines until July 1, 2014. On and after July 1, 2014, the governing authority may

1 impose such civil fines only if authorized in accordance with Subsection A of this
2 Section.

3 C. For purposes of this Section, the term "automated traffic enforcement
4 system" means a camera or optical device erected along or above a public road,
5 street, or highway or attached to the outside of a parked vehicle and designed to work
6 in conjunction with a traffic control signal or radar speed detection equipment, or
7 both, and designed to photographically record images of the license plate or other
8 identifying feature of a motor vehicle that is operated in violation of law, ordinance,
9 rule, or regulation.

10 Section 2. This Act shall become effective upon signature of the governor, or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Arnold

HB No. 217

Abstract: Requires voter approval before the governing authority of a parish or municipality may impose a civil fine for a traffic violation based on evidence captured by an automated traffic enforcement system.

Proposed law prohibits the governing authority of a parish or municipality from imposing a civil fine for a violation of any traffic law, ordinance, rule, or regulation based on evidence captured by an automated traffic enforcement system, unless the imposition of civil fines has been authorized by the voters.

Proposed law authorizes any governing authority that has imposed such civil fines prior to the effective date of proposed law to continue to do so until July 1, 2014, without an election.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 32:239)